

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:12-cv-00036-MR-DLH**

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

ORDER

FRANCES CARLSON, REIDAR)

G. CARLSON, and REIDAR'S)

RETREAT, LLC,)

Defendants.)

THIS MATTER is before the Court on the Suggestion of Bankruptcy filed by Defendant Frances Carlson [Doc. 17].


Defendant Frances Carlson has filed a notice with the Court that she filed a bankruptcy case under Chapter 11 of the United States Bankruptcy Code in the Middle District of Florida. It is well-settled that “[w]hen litigation is pending against the debtor at the time a bankruptcy case is commenced, the litigation is stayed automatically.” 3 Collier on Bankruptcy ¶ 362.03[3] (16th ed. 2012); see also 11 U.S.C. § 362(a)(1) (providing that a bankruptcy petition operates as an automatic stay of “the commencement or continuation . . . of a judicial, administrative, or other action or

proceeding against the debtor"). Accordingly, the Court will consider this action stayed as against Defendant Frances Carlson only. All other claims pending in this action remain unaffected by this stay.

Accordingly, **IT IS, THEREFORE, ORDERED** that this action is hereby **STAYED** as against the Defendant Frances Carlson only.

IT IS SO ORDERED.

Signed: February 13, 2013


Martin Reidinger
United States District Judge

